

**Board of Forestry and Fire Protection
Range Management Advisory Committee (RMAC)**

**Joint Meeting of the Water Focus Group
And
Rangeland Focus Group**

**Minutes
October 4, 2006**

Attending:

RMAC:

Representing

Henry Giacomini	California Farm Bureau Federation
Ken Zimmerman	California Cattlemen's Association
Mike Connor	Public Member
Clancy Dutra	California Farm Bureau Federation
Scott Carnegie	California Forestry Association
Mel Thompson	California Wool Growers Association
Chuck Pritchard	California Assoc. of Resource Conservation Districts
Jeff Stephens	CDF / RMAC Executive Secretary

Also Attending:

Noelle Cremers	Farm Bureau Federation
Jerry Reiox	NRCS
Mike Bonnheim	Public

Items 1 and 2, Call to Order and Introductions:

Henry Giacomini called the meeting to order at 8:22 AM. Introductions of all present were made.

Item 3, Water Focus Group - State Water Resources Control Board Non-Point Source Pollution Policy and Regulations for Grazing Lands. Discussion of potential actions:

Henry Giacomini indicated that the only item on the agenda is that of the non point source/grazing issue. He began by describing a meeting initiated by the producer groups that included the California Cattlemen's Association, California Woolgrower's Association, and himself representing RMAC with Tom Howard of the State Water Quality Control Board (SWRCB) Staff. He asked Noelle Cremers to comment on the meeting. Ms. Cremers indicated that Tom Howard is the number two staff person with the SWRCB, and that the objective was to hear from a higher level than what had previously occurred with Board staff. Three questions were posed for this meeting:

1. What is missing from the 1995 Plan?
2. Why the current focus on grazing?
3. Is Tier 1 of the 1995 Plan really gone and why?

The response was that grazing is not just now being addressed. In fact it has been considered previously for regulation and is just now being brought into compliance. The response further indicated that the SWRCB could adopt a resolution stating that if a rancher adhered to the 1995 Plan then they would be in compliance. If they were not following the 1995 Plan and were found to be discharging pollution to waters of the state then they would be in violation and subject to penalties.

Noelle Cremers stated that the action as noted above of adopting such a resolution would be the simple solution to the present situation. However, Tom Howard stated that the issue of grazing and NPS is not even on the SWRCB's agenda at this point and has not been discussed by the Board. Henry Giacomini stated that TH has never seen the 1995 Plan implying that if he reviews the plan then a different opinion may be reached regarding the adoption of a resolution accepting the 1995 Plan as compliance.

When addressing the issue of what is missing from the 1995 Plan Gaylon Lee, also in attendance, responded with the following:

1. No third party to hold the waiver.
2. No reporting requirements.
3. No monitoring requirements.
4. Management measures are not included.
5. There is a need for an update for the science component.

Noelle Cremers stated that TH indicated items 1-3 are not required in the Plan by law. Clancy Dutra noted that items 1-3 above were not mentioned in previous dialogue with GL. Henry Giacomini stated that previous discussion used different terminology such as accountability, which is in his interpretation is the monitoring and reporting components mentioned by GL. Mike Connor noted that there is monitoring in the 1995 Plan but that it is self monitoring, and apparently GL believes that it should be reported.

Noelle Cremers stated that Tam Doduc, Chair of the SWRCB, joined the meeting late and stated that her priority is to make sure the Board is focusing on the activities that pose the greater threat to water quality. Ms. Cremers also noted that Tam is always willing to listen and places emphasis on science which supports conclusions. Ms. Cremers also stated that Lahontan is planning a meeting on waivers for grazing on October 11.

Noelle Cremers stated that at the end of the meeting industry committed to sending a letter in response to the SWRCB letter that was addressed to the Board of Forestry. A draft of the industry letter was provided to RMAC.

Discussion involving Mike Connor, Noelle Cremers, and Henry Giacomini revealed that the issue of E. coli may spill over into the NPS issue especially with the recent publicity over spinach contamination. The producer groups are pooling resources in order to pull the research together on grazing versus natural background levels in preparation for having to defend the livestock industry.

Mel Thompson expressed concern over the fact that it appears the Water Board is moving toward regulation while the dialogue of whether regulation is needed is ongoing. He also inquired how it is the Lahontan is so far out in the lead regarding regulation as compared to the State Board and the information received from Tom Howard. Discussion between Noelle Cremers, Mel Thompson, and Henry Giacomini revealed that Lahontan originally intended to address specific problem areas within their Region and allow the State Board to address NPS in the broader context.

Mike Connor noted that there has still been no credible evidence supporting new regulation of the grazing industry. Comment provided by Noelle Cremers and Henry Giacomini indicated that the Technical Advisory Group has not been formed and there is no indication that formation is eminent. Mike Connor stated that if it is formed impacting its direction and recommendations is crucial to the Water Board taking the appropriate action ultimately.

Jerry Reieux commented that the original 1995 Plan included substantial debate on monitoring and reporting requirements. He recommended that RMAC locate those notes and review of information that could help with that current debate. Clancy Dutra noted that the person who took most of the notes during these negotiations was the Executive Secretary for the Cattlemen's Association. RMAC should look for these files for assistance as well.

Henry Giacomini stated that the action may be to re-ask the original questions posed to the SWRCB. He further stated that the objective should be to keep the 1995 Plan as the framework, tell us what is missing, and hopefully what is proposed by the Water Board can be dealt with without compliance to new regulation.

Ken Zimmerman asked if Tony Francois has compared the 1995 Plan with what is currently required by law; it may be useful to look at the problem from the Water Board's perspective. Noelle Cremers stated that in her opinion the 1995 Plan is not deficient in regards to the law, and therefore it is difficult to understand where the Water Board staff is coming from on the issue of regulation.

Discussion returned to the issue of monitoring. Noelle Cremers stated that one of the conditions of a waiver is monitoring; however, if a case can be made that the activity does not pose a threat to the environment then the monitoring component can be waived. Mike Connor restated that monitoring is already part of the 1995 Plan; therefore, it is the reporting aspect of it that becomes an issue. Henry Giacomini sighted the central valley example stating that reporting can be a sizable task of major expense.

Mel Thompson raised the issue of the Bridgeport area regarding its importance to the Lahontan. Noelle Cremers noted that irrigation is occurring while cattle are being grazed which has drawn attention. Chuck Pritchard noted that water testing is being done at the lake vs. above the area being grazed; therefore, background levels are not being accounted for in the process.

Ken Zimmerman suggested the BLM model for rangeland quality may be a more appropriate strategy. In this example BLM developed indicators for rangeland health, and that a possible strategy is to ask the University to develop indicators for clean water rather than the Water Board developing monitoring standards based on specific activities. This

would create a better understanding of what is needed in a specific area to maintain water quality. Noelle Cremers stated that Sheila Barry has been taking a similar approach. Mike Connor recommended keeping monitoring at the ranch level vs. water sampling due to the expense of water sampling.

Mel Thompson cited a method of monitoring based on invertebrate samples that was done through the local RCD. It did not cost the rancher because cost was born by the RCD. Jim Harrington is a specialist in using macro invertebrates to make these tests. The samples were analyzed at Chico State. No data was supplied to regulators as part of compliance.

Henry Giacomini asked Noelle Cremers where are we in the process of the State Board taking action toward regulation. Her response was that it is difficult to tell when significant action may occur but that it is likely that we will end up with a framework for addressing water quality that is different from the current method. Henry Giacomini posed the question if it is not moving forward at this point is it necessary to do anything now. Ken Zimmerman cited the example of the Riparian Friendly Grazing Study done by Ken Tate which was funded by CDF. If RMAC were approached by some entity (producer groups) asking to move forward with a study that provides credible information on the nature of NPS and grazing or effective monitoring, RMAC would be in a position to approach the Department for funding of such a study. Henry Giacomini supported this idea. Ken Zimmerman suggested it be interfaced with the work by Sheila Barry.

In reference to monitoring Henry Giacomini stated that based on previous history the Water Board tends towards 3rd party monitoring with the producer bearing the cost, suggesting that a monitoring program designed by the Board will likely follow this model.

Noelle Cremers cautioned that there is a delicate balance between being proactive with research and the process of agreeing to something that in the absence of outside funds such as grants could be very time consuming and expensive for the rancher.

Mel Thompson stated that NPS from grazing lands is a very complicated issue, and this is both driving and retarding the progress. Presently water that comes into the land is not being accounted for nor is seasoning outflow being accounted for unless water sampling is done to capture this information. The approach he recommends is to recommend following the 1995 plan, but make people aware that it is a complicated issue, and that singling out grazers without accounting for other sources is absurd and unfair if other components like county roads, etc. are not considered.

Henry Giacomini stated that the 1995 Plan was not written to point fingers at ranchers. It was written with the intent to help ranchers be aware of where the problems exist and what needs to be done. He recommended staying away from the blame issue.

Chuck Pritchard asked Jerry Reioux if he was aware of any studies that differentiate between human caused pollution versus that of animal waste. His response was a "qualified yes" and cited studies where beavers were identified as causal agents. Noelle Cremers cited DNA studies that are now capable of making these determinations. Chuck Pritchard emphasized that identifying the source is all important to addressing the problem of NPS and grazing. Henry Giacomini stated the industry is often placed in the position of proving innocence rather than government proving guilt. Chuck Pritchard stated that their approach is to use state grants to pay for the work. Clancy Dutra noted that even though

the state pays for work to establish the problem, the reporting requirement will not go away and that can be a long term expense.

Henry Giacomini came back to his assertion made previously that if RMAC is to take action it should include a recommendation to the Board of Forestry to continue supporting the 1995 Plan as the means by which NPS is addressed on grazing lands. Mel Thompson noted that merely advocating the 1995 Plan may not provide protection from future efforts to regulate the industry.

Mike Connor recommended that an appropriate action of the RMAC would be to provide for a response to the Water Board's letter with the objective of identifying what the 1995 Plan is missing. He also agreed with Ken Zimmerman's earlier recommendation promoting a study that identifies the background levels of coliforms that are present in the absence of grazing. Ken Zimmerman felt that this information may be present from previous work.

Henry Giacomini stated that Ken Tate was with RMAC a year ago and he covered best management practices (BMP). He cited BMPs as a different issue and the next step as compared to indicators of water quality problems.

Chuck Pritchard argued for doing as much testing as possible to support the industries position. Mike Connor followed with the observation that standards may be set at unachievable levels for some areas and they would be impossible to meet regardless of the BMPs employed. However, it is important to show some action; perhaps monitoring or land management practices that demonstrates minimizing the impacts of grazing. Henry Giacomini posed the question, are we doing enough right now; the industry has been quiet in recent years.

Henry Giacomini stated that the three primary areas of research are standards, indicators and sources for fecal coliform.

Discussion concluded with Henry Giacomini making a motion to carry forward to the full RMAC as follows:

Motion by Mike Connor, second by Clancy Dutra: Advise the Board of Forestry and Fire Protection of the industry letter analyzing the response from the State Water Board and state that RMAC supports the letter in spirit and concepts presented within. Further, RMAC asks for continued support by the Board of the current California Rangeland Water Quality Management Plan. No action of the Board is requested at this time; however, RMAC may elect to approach the Board with a request for action pending any further response, action or acknowledgement of the industry letter by the State Water Board. As part of this motion a request shall be made by RMAC of persons involved with water quality research regarding standards, indicators and sources of pollution to inform RMAC of current research and what is lacking.

Motion passed by unanimous vote.

Chuck Pritchard turned discussion to the question of whether the fees for stock ponds had been increased. Noelle Cremers and Henry Giacomini confirmed that they had been and that the fee is handled by the State Board of Equalization.

Item 4, Rangeland Focus Group - Certified Range Manager Program Review.
Discussion of potential actions:

Chuck Pritchard opened the discussion with distribution of a draft paper on rangeland health indicators prepared by Lynn Huntsinger and L.D. Ford. He asked that RMAC review the content and make comment back to him. Mike Bonnheim commented stating that originally indicators of rangeland health were designed to be simple enough to be used by the layperson. In his opinion this methodology is going the other way becoming more complex.

Henry Giacomini asked if the monitoring component is based on regulation. Chuck Pritchard stated that it is not based on regulation; simply proposed as a tool. Ken Zimmerman asked if it can be supplied in electronic format for comment. Jeff Stephens responded that he would contact Lynn Huntsinger and ask for electronic copy.

Ken Zimmerman asked if the Ecological Site Descriptions have been incorporated in the document. Chuck Pritchard stated that he does believe they have been incorporated.

Henry Giacomini noted that the statement appearing on page 1 indicating that rangelands are in trouble may be misinterpreted by some assuming that management is the cause for poor rangelands conditions. This statement needs to be carefully defined to avoid misinformation.

Mike Bonnheim offered clarifying statements as to how this effort (Rangeland Stewardship Paper) came about. Joe Morris (rancher) in previous meetings of the Central Coast Rangeland Coalition stated that in spite of his abilities as a good land steward he was not able to make a sufficient amount of money to maintain his property and meet expenses. He reasoned that the general public was benefiting from his skills as a land steward through the maintenance of open space, and that the rancher should be compensated for practicing good management. The guidelines in the document are intended to measure whether a land owner qualifies for compensation as a good land steward, given that a program to financially compensate ranchers may exist in the future.

Henry Giacomini noted that there are two types of comments that are called for in the document. One is comment on the guidelines themselves, and two is the concept of compensating landowners for being good land stewards. Chuck Pritchard cited examples of trial programs that currently provide landowners with compensation, but these programs are restricted to certain watersheds.

Ken Zimmerman stated the Rangeland Stewardship paper by Huntsinger could be of value with RMAC's current investigation of public acquisition of property without management. Perhaps this tool could be used to evaluate the consequences of no management of publicly acquired property.

Chuck Pritchard stated that comments are due by the following week. Lynn Huntsinger's group will meet October 11.

Chuck Pritchard indicated that due to a variety of issues he believes it best to step down as the Rangeland Focus Group Chairman, and nominated Mike Connor to succeed him as Chairman. Ken Zimmerman appointed Mike Connor as the Rangeland Focus Group Chair.

Mike Connor turned attention of the Group to the CRM issue on the agenda. He noted that the PFEC had a question before them on specialty certification. Mike Connor asked that Eric Huff meet with the Full RMAC on the following day for a briefing on the proceedings of the last PFEC meeting and the CRM certification program. Jeff Stephens will make the contact with Eric Huff.

Mike Connor opened discussion on the consequences of a certified Registered Professional Forester (RPF) performing poorly within the profession. Scott Carnegie clarified that RPF's are subject to licensing action on the part of the PFEC and the Board. They must write timber harvest plans (THP) by law and CDF approval of a THP is a demonstration of competency. Noelle Cremers and Henry Giacomini noted this is the difference between a CRM and a RPF. The law requires preparation of a THP by an RPF. This is not the case with a CRM and a Range management Plan.

Noelle Cremers commented that she supports the concept of there being a certified range management program and foresters not making range decisions. However, while citing the DWP example she cautioned against the idea that no one be able to write a range management plan unless being a certified CRM. She argued for the ability of a rancher or their employee to write range management plans due to the fact that the test for certification is aimed at consultants that predominately do not have on the ground experience with managing property. Her point being that a number of ranchers would be excluded from the ability to write plans. Ken Zimmerman clarified that in the case of DWP the person writing the Plan was not an employee of the ranch, rather a consultant hired from Oregon. Mike Connor stated that he does not believe there is any movement towards requiring landowners to be CRMs in order to write a land management plan.

Mike Connor opened discussion on who would be most appropriate to serve as the entity of policing the profession in terms of weeding out those that are incompetent and mentioned the SRM versus the PFEC. Noelle Cremers stated that the SRM to date has not demonstrated the ability to even grade tests in a timely manner noting that the last exam given in April will be graded in November. In the interim the next opportunity to take the exam is October. The sequence is therefore not conducive to the applicant becoming certified should he or she fail the exam taken in April.

Mel Thompson stated that he sees CRM certification as a long term issue in that if in the future a range management plan required a CRM that "we" could refer to the CRM Program as the appropriate vehicle in place for that purpose. Mike Connor added that the certification should also offer assurance that the person writing range management plan has the qualifications to do so.

Chuck Pritchard cited a program between Texas A&M and the King Ranch that is training ranch managers. This is due to the growing shortage of qualified ranch managers with practical experience. There is also a Rural Appraiser and Ranch Manager Program. Perhaps this is the place to have a certified program, different in some respects to a strictly CRM Program, but including many of the more practical skills needed by a ranch manager. He posed the question to RMAC that from a more practical point of view is there a need for this type of a program to exist.

Ken Zimmerman stated he would like to attack the problem of water quality and invasive weeds in a way more directly related to the primary cause of problems; that of the state and federal highway systems. He further recommended that Henry Giacomini and Mike Connor

develop a paper that investigates the impacts of the state and federal highway systems on invasive species and water quality related to rangelands. Ken Zimmerman made the point that due to his experiences with that Federal Invasive Species Advisory Committee and information from Lahontan that 85% of water quality problems are the result of the transportation system. Henry Giacomini relayed his experiences while working on Caltrans projects where the perception of people he spoke with within Caltrans is that the problem of water quality in California is with agriculture not highway systems, to illustrate the different perceptions of the root cause. Mike Connor deferred the issue for discussion at a future meeting and brought RMAC back to the issue CRMs.

Mike Connor believes that the issue of grading tests in a timely manner is one that RMAC may pursue in some way. Clancy Dutra stated that it would be better to first hear from the PFEC representative (Eric Huff) and then consider a letter to the Board recommending that the Board write a letter to the testing body for better service. Henry Giacomini concurred that a letter from the Board to the SRM President would be useful to addressing the problems of administering tests and services to members.

Mike Connor expressed his desire to have Eric Huff appear at the RMAC meeting tomorrow. Jeff Stephens agreed to speak with Mr. Huff.

Item 5, New and Unfinished Business:

Chuck Pritchard announced that the National SRM will meet in Reno on February 9-16. The National GLCI will meet in St Louis from December 10-13.

Item 6, Public Comment:

None

Adjourn

Action Items:

Motion by Mike Connor, second by Clancy Dutra: Advise the Board of Forestry and Fire Protection of the industry letter analyzing the response from the State Water Board and state that RMAC supports the letter in spirit and concepts presented within. Further, RMAC asks for continued support by the Board of the current California Rangeland Water Quality Management Plan. No action of the Board is requested at this time; however, RMAC may elect to approach the Board with a request for action pending any further response, action or acknowledgement of the industry letter by the State Water Board.

As part of this motion a request shall be made by RMAC of persons involved with water quality research regarding standards, indicators and sources of pollution to inform RMAC of current research and what is lacking.

Motion passed by unanimous vote.